

REMARKS

Claims 1, 8-11, 16 and 23-26 are cancelled. Claims 12-15 and 27- 31 stand withdrawn. Claims 2-7 and 17-22 remain for examination.

Claims 2-7 and 17-223 stand rejected under 35 U.S.C. § 102 as anticipated by Kanemitsu (6,499,9510).

The examiner's rejection is respectfully traversed.

Kanemitsu discloses an information transmission method and device for preventing a client from getting an impression that he/she is being kept waiting for a response, even when the response contains a large amount of data. For that purpose, data obtained in the information providing center, as the search results, are arranged in an ascending order of data amount from smallest to largest for transmitting to the client. Kanemitsu discloses a technique only for transmitting a batch of data retrieved as a query by a single client. Kanemitsu does not mention conflicts resulting from data transmission triggered by queries from multiple clients.

On the other hand, the present invention has three major technical features which correspond to Fig. 4(c), Fig. 5(b) and Fig. 6(b) in the specification. The feature corresponding to Fig. 4(c) is similar to the technique disclosed by Kanemitsu. However, other features, corresponding to the embodiments shown in Figs. 5(b) and 6(b) are not disclosed in Kanemitsu. Applicants' claims are directed to these embodiments which are not disclosed in Kanemitsu.

Moreover, a concept of "a priority value" (recited in claims 3, 5, 7, 18 and 22), in which a priority value is computed as a waiting time of the object divided by the size of the object, is completely absent from Kanemitsu. While the Examiner points to column 4, line 58 through column 5, line 19 and column 5, lines 60-65, as well as column 6, line 28 through column 7, line 28, applicant can find no teaching therein of any priority value which is computed as a waiting time of the object divided by the size of the object. In fact, Kanemitsu does not appear to be at all concerned with the waiting time of the object and rests priority solely on the size of the object. However, as stated in applicants' specification beginning on page 11 at line 22, a problem of "starvation" may occur when larger objects are never delivered because there are too many smaller objects constantly being retrieved from

the data base and transmitted. In order to prevent this starvation effect, in an embodiment of applicants' invention, there is provided a priority value which is assigned to each suspended object wherein the priority value is computed as the waiting time of an object to be delivered divided by the size of the object. The Examiner appears to completely ignore express limitations in applicants' claims in utilizing Kanemitsu as a § 102 rejection. If the Examiner persists in this rejection, the Examiner is respectfully requested to point to the exact line and column in which Kanemitsu allegedly discloses the subject matter of the priority value computed as the waiting time of an object to be delivered divided by the size of the object as recited in applicants' claims 3, 5, 7, 18 and 22.

With regard to the rejection of independent claim 2, the Examiner point to column 4, line 58 through column 5, line 19 and column 6, line 28 through column 7, line 28 of Kanemitsu. However, applicant can find no teaching in Kanemitsu including the portion cited by the Examiner, in which a second request is received from a second requestor and the one or more objects of the second request are received in the server prior to delivery of one or more objects from the first request and in which the server is programmed for scheduling the delivery of the objects in the second request and the undelivered objects in the first request in ascending order of object size.

In the "Response to Arguments," the Examiner discusses a "Kenner reference." However, it is apparent that the Examiner intended to reference the Kanemitsu patent and not Kenner. Thus, applicant will assume that every point in the "Response to Arguments" in which Kenner is set forth, the Examiner intended to set forth Kanemitsu instead.

Thus, in connection with the plural user concept as more specifically recited in the last paragraph of applicants' claim 2, the Examiner reiterates that Kanemitsu provides an adequate § 102 teaching since the Examiner states it is a reasonable interpretation for two or more requests for information from one or more clients to be provided because the information providing center, namely, the server, provides services and a variety of information to more than one information communication systems or vehicles. While it may indeed be a reasonable inference that plural vehicles are to be serviced by the server, the Kanemitsu teaching does not disclose applying the reordering of data transmission as to all vehicles being serviced at any one time such that data to be transmitted to the entire group of vehicles will be ordered from the lowest priority to the highest priority. Indeed, applicant has studied

the entire Kanemitsu patent and can find absolutely no teaching to support the proposition that the entire group of data to be sent to multiple vehicles at the same time is ordered as a whole with respect to the size of the transmission and is sent to the multiple users presumably in some multiplexed fashion such that the data is arranged in ascending order. Quite to the contrary, all of Kanemitsu's specific examples are discussing plural inquiries and plural data to be provided to a single vehicle. Kanemitsu never contemplates a second vehicle making access to the server at the same time, and Kanemitsu never mentions ordering the totality of the data from the first and second requestors in ascending order of object size.

Moreover, applicants' claim 2 recites that if a second request from a second requestor for one or more objects is received prior to the delivery of one or more objects from the first requestor, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size. No such counterpart teaching is shown or even contemplated in Kanematsu. Applicants' claim 4 recites a similar second request, second requestor and one or more objects resulting from the second request search. In view of these failure of the Kanematsu reference, Kanematsu cannot make out a case of anticipation under 35 U.S.C. § 102. In order for a claim to be anticipated under 35 U.S.C. § 102, the applied reference must teach each and every limitation of the claim. This is certainly not the case here as indicated above, and thus, the § 102 rejection must be withdrawn.

Claim 6 recites a user configured for communicating with a server over at least one communication network wherein if the user receives a plurality of objects for delivery to a web browser, the user is programmed for scheduling the delivery of any whole or partial undelivered objects in ascending order of object size. Applicant can find no teaching in Kanemitsu of how to treat any partial undelivered objects. In accordance with applicants' specification, and as shown in Fig. 6, if an object 1 (element 116) is being transmitted and during the transmission, at a time t3, a second request results in the object 4 (element 118) to also be transmitted, the server is programmed to select between object 4 and the untransmitted or undelivered portion of object 1 and to deliver the smaller one of these objects first. Kanemitsu is completely silent as to how to treat partial undelivered objects and thus, the Kanemitsu reference cannot anticipate Applicants' claim. Column 4, line 58 through column 5, line 19 and column 6, line 28 through column 7, line 28 simply do not provide

such a teaching. As indicated above, in order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claim. This is certainly not the case here and thus, the § 102 rejection with regard to claim 6 must be withdrawn.

With regard to claims 17-22, as stated in paragraph 9 of the outstanding Office Action, these claims are considered by the Examiner to correspond to method claims 1-7 and are similarly rejected. Claim 17 is deemed to be patentable for the same reasons indicated above with regard to claim 2. Claims 18, 20 and 22 recite the assignment of the priority value and the scheduling in accordance with the descending order of priority in a similar manner as recited in claim 5. These claims are deemed to be patentable for the same reasons indicated above with regard to claim 5. Claim 19 contains similar limitations as claim 4 and is deemed to be patentable for the same reasons indicated above with regard to claim 4.

Claim 21 is the method analog claim for claim 6 and is deemed to be patentable for the same reasons indicated above with regard to claim 6.

In summary, claims 2-7 and 17-22 are clearly patentable over the prior art.

Applicants would also like to point out that the present invention is applicable to any portion of the network, even in a receiving end terminal (a client terminal). On the contrary, the technique of Kanemitsu is only applicable to the information providing center which is the data transmission side or the server side.

In view of the comments set forth above, it is submitted that Patent and Trademark Office has not established anticipation under 35 U.S.C. § 102 inasmuch as express limitations of applicants' claims are not disclosed in the applied Kanemitsu reference. As such, the § 102 rejection must be withdrawn.

The examiner is requested to acknowledge receipt of the information disclosure statement filed November 15, 2000 by considering the references filed therein and returning an initialed copy of the form listing the references.

The application is believed to be in condition for allowance and an early indication of same is earnestly solicited.

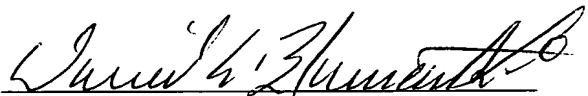
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date December 3, 2003

By 

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